

Judicial Assignment: Hon. Robert S. Lasnik

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MAPLE LEAF HOUSING INVESTMENTS,
LLC, a Washington limited liability
company,

Plaintiff,

VS.

TEXACO DOWNSTREAM PROPERTIES
Inc., a Delaware corporation,

Defendant.

Case No. 2:18-cv-01710-RSL

**STIPULATED MOTION AND
[PROPOSED] ORDER FOR STAY OF
LITIGATION PENDING
ENVIRONMENTAL INVESTIGATION**

Note on calendar: March 26, 2019

Plaintiff Maple Leaf Housing Investments, LLC (“MLHI”) and defendant Texaco Downstream Properties Inc. (“TDPI”) have reached an agreement that includes the following components: (1) MLHI will file an Amended Complaint that does not allege the tort claims it asserted against TDPI, but adds a claim for declaratory relief under the Washington Model Toxics Control Act, Chapter 70.105D RCW, and the Uniform Declaratory Judgments Act, Chapter 7.24 RCW; (2) an environmental investigation of MLHI’s property will be undertaken; (3) the parties will stay all litigation activities for 120 days in order to allow time to complete the

STIPULATED MOTION FOR STAY OF
LITIGATION

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environmental investigation; and (4) the parties will move the Court to extend all litigation deadlines for 120 days.

Concurrent with the filing of this pleading, MLHI has filed an Amended Complaint that does not allege its tort claims and adds a claim for declaratory relief.

The data from the environmental investigation will inform the parties' decisions regarding MLHI's property and may potentially help facilitate an agreed resolution of this action. Accordingly, the parties stipulate to stay all litigation activities, including discovery, for 120 days after entry of the order proposed with this pleading, and to seek court approval to extend all litigation deadlines by 120 days. Those deadlines, as extended, would be as follows:

- Defendant's filing of responsive pleading July 22, 2019
- Deadline for FRCP 26(f) conference August 2, 2019
- Initial Disclosures pursuant to FRCP 26(a)(1) August 9, 2019
- Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and LCR 26(f) August 16, 2019

The parties jointly request the Court order the parties to stay all litigation activities for 120 days, extend the deadline for Defendant to file its responsive pleading for 120 days, and issue a third amended order regarding initial disclosures, joint status report, and early settlement that extends all litigation deadlines by 120 days.

IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

DATED this 26 day of March, 2019.

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**STIPULATED MOTION FOR STAY OF
LITIGATION**

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12 I attest that concurrence in the filing of this document has been obtained from E. Jacob
13 Lubarsky, counsel for Texaco Downstream Properties, Inc.

14 DATED this 26 day of March, 2019.

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22 Attorneys for Maple Leaf Housing Investments, LLC
23
24
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[PROPOSED] ORDER

The Court ORDERS as follows:

1. The parties shall stay all litigation activities, including discovery, for 120 days after entry of this Order.

2. Defendant's responsive pleading shall be filed no later than July 22, 2019.

3. The Court will issue a third amended order regarding initial disclosures, joint status report, and early settlement that extends the current litigation deadlines as follows:

- Deadline for FRCP 26(f) conference August 2, 2019
- Initial Disclosures pursuant to FRCP 26(a)(1) August 9, 2019
- Combined Joint Status Report and Discovery Plan as Required by FRCP 26(f) and LCR 26(f) August 16, 2019

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: _____

By: _____
HONORABLE ROBERT S. LASNIK
U.S. DISTRICT COURT JUDGE

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CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2019 I electronically filed the foregoing STIPULATED MOTION FOR STAY OF LITIGATION with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

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- Overnight Delivery via Fed Ex
- First Class Mail via USPS
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Dated at Seattle, Washington, this 26th day of March, 2019.


Sarah Korn, Legal Assistant

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